

# ICO scheme of delegations

## The delegation of:

- Regulatory functions under the Data Protection Act 2018, the Freedom of Information Act 2000 and other information rights legislation
- Financial and procurement decisions

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## Authorisation of delegations to officers and staff

Paragraph 6 of schedule 12 to the Data Protection Act 2018 (Carrying out of the Commissioner's functions by officers and staff) provides that:

- 6(1) The functions of the Commissioner are to be carried out by the deputy Commissioner or deputy commissioners if –*
- (a) there is a vacancy in the office of the Commissioner, or*
- (b) the Commissioner is for any reason unable to act.*
- (2) When the Commissioner appoints a second or subsequent deputy commissioner, the Commissioner must specify which deputy commissioner is to carry out which of the Commissioner's functions in the circumstances referred to in sub-paragraph (1).*
- (3) A function of the Commissioner may, to the extent authorised by the Commissioner, be carried out by any of the Commissioner's officers or staff.*

I, John Edwards, the Information Commissioner, appointed pursuant to Paragraph 6(3) of Schedule 12 of the Data Protection Act 2018 and Section 18 of the Freedom of Information Act 2000, hereby specify that my officers and staff are authorised to exercise my functions as designated in the following scheme of delegation dependant on grade and role as described and subject to management decisions on the allocation of work.

Unless stated otherwise, all delegations are to the grade and role as described or to grades above.

This scheme of delegation replaces any authorities previously given in respect of the legislative and other functions included.

The following staff members have been appointed as, and are currently, Deputy Commissioners pursuant to Paragraph 5(1) of Schedule 12 of the Data Protection Act 2018 and I confirm that they are to remain appointed as such:

- James Dipple-Johnstone, Chief Regulatory Officer
- Paul Arnold, Deputy Chief Executive (Chief Operating Officer)
- Steve Wood, Executive Director (Regulatory Strategy)
- Stephen Bonner, Executive Director (Regulatory Futures and Innovation)

The Deputy Commissioners are all also members of the ICO's Management Board.

In circumstances where the General Counsel is empowered to carry out a function set out in the scheme of delegations in their capacity of a level H (Executive Team) employee of the ICO, they will only exercise that function having satisfied themselves that there is no conflict or potential conflict between the exercise of that function and their obligations as General Counsel.

I have set out in Annex 1 to the scheme of delegation which of these Deputy Commissioners would exercise the Commissioner's powers in circumstances described in paragraph 6(1) of Schedule 12 of the Data Protection Act 2018.

More widely, I have delegated responsibility for the day-to-day administrative leadership and performance of the ICO, including delegation of the Accounting Officer responsibilities so far as that is possible, to the Deputy Chief Executive Officer (Chief Operating Officer).

I have also delegated responsibility for the day-to-day regulatory leadership, regulatory stakeholder management and regulatory outcomes of the ICO to the Chief Regulatory Officer.

The Scheme of Delegation should be read with those responsibilities of the Chief Operating Officer and Chief Regulatory Officer in mind.

[SIGNED]

.....

John Edwards

Information Commissioner

17 January 2022

.....

Date

## ICO grade structure and example job roles

Information Commissioner	
Level H	<ul style="list-style-type: none"><li>• Deputy Commissioners</li><li>• Member of Executive Team</li></ul>
Level G2	<ul style="list-style-type: none"><li>• Director</li></ul>
Level G	<ul style="list-style-type: none"><li>• Head of Department</li></ul>
Level F	<ul style="list-style-type: none"><li>• Group Manager</li><li>• Solicitors</li></ul>
Level E	<ul style="list-style-type: none"><li>• Team Manager</li><li>• Senior Policy Officer</li></ul>
Level D	<ul style="list-style-type: none"><li>• Lead Case Officer</li><li>• Criminal Investigations Officer</li><li>• Lead Auditor</li></ul>
Level C	<ul style="list-style-type: none"><li>• Case Officer</li></ul>
Level B	<ul style="list-style-type: none"><li>• Administrative roles</li></ul>

# 1. Delegation of the Commissioner's regulatory functions provided for under The Data Protection Act 2018 (DPA)

(Note: where relevant, this also includes powers set out in Regulation (EU) 2016/679 of the European Parliament and of the European Council (the General Data Protection Regulation, GDPR), as amended by the Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019. These are referred to as "UK GDPR")

Reference	Title	Level of delegation
<a href="#">Whole act</a>	As a data controller, responding to data subject rights in accordance with the GDPR.	Level D
<a href="#">DPA Part 3</a>	As a data controller, responding to data subject rights in accordance with the GDPR	Level D
<a href="#">DPA Section 17</a>	Accreditation of certification providers	Level G
<a href="#">DPA Section 51</a>	Exercise of rights through the Commissioner	Level B
<a href="#">DPA Section 65</a> and UK GDPR article 36(1)-(3), Article 57(1)(l), Article 58(3)(a)	Prior consultation with the Commissioner	Level E
<a href="#">DPA Section 115(3)(a)</a>	Advising Parliament, government and other institutions and bodies on processing	Any advice provided to Parliament as a whole: Level G2 (excluding Legal Directors) Any other advice: Level B
<a href="#">DPA Section 115(3)(b)</a>	To issue opinions on the Commissioner's initiative or on request	Deputy Commissioner
<a href="#">DPA Section 119</a>	Inspection of personal data in accordance with international obligations	Level F



Reference	Title	Level of delegation
<a href="#">DPA Section 119A</a> and UK GDPR Article 46(2)(d), Article 46(3), Article 57(1)(j), and Article 58(3)(i)	Specifying standard data protection clauses	Deputy Commissioner
<a href="#">DPA Section 120(1)</a> and UK GDPR Article 50	Taking appropriate steps to develop international co-operation, provide mutual assistance, engage relevant stakeholders, and promote exchange and documentation of legislation and practice	Level C
<a href="#">DPA Section 120(2A)</a>	Contributing to activities of international organisations with data protection functions	Level C
<a href="#">DPA Section 120(3)</a>	Functions as directed by the Secretary of State to give effect to an international obligation	Level G2
<a href="#">DPA Section 120(4)</a>	Assisting a British overseas territory authority	Level G2 (for any functions not covered by other delegations within this Scheme)
<a href="#">DPA Section 121</a>	Data sharing code preparation	Deputy Commissioner
<a href="#">DPA Section 122</a>	Direct marketing code preparation	Deputy Commissioner
<a href="#">DPA Section 123</a>	Age-appropriate design code preparation	Deputy Commissioner
<a href="#">DPA Section 124</a>	Data protection and journalism code preparation	Deputy Commissioner
<a href="#">DPA Section 125</a>	Approval of codes prepared under section 121 to 124	Deputy Commissioner
<a href="#">DPA Section 126</a>	Publishing an issued code	Deputy Commissioner

Reference	Title	Level of delegation
<a href="#">DPA Section 128</a>	Other codes of practice	Deputy Commissioner
<a href="#">DPA Section 129</a> and UK GDPR Article 58(1)(b)	Consensual audits	Level D
<a href="#">DPA Section 130(2) and (5)</a>	Records of national security certificates	Level G2
<a href="#">DPA Section 133</a>	Producing and publishing, amending, consulting on, laying before Parliament, guidance about privileged communications	Level G2
<a href="#">DPA Section 134</a>	Fees for services	Deputy Commissioner
<a href="#">DPA Section 135</a> and UK GDPR Article 57(4)	Manifestly unfounded or excessive requests by data subjects etc	Deputy Commissioner
<a href="#">DPA Section 136</a> and UK GDPR Article 57(4)	Guidance about fees	Deputy Commissioner
<a href="#">DPA Section 137(5)</a>	Providing the Secretary of State with information about expenses incurred by the ICO upon request	Level G2
<a href="#">DPA Section 138(2)</a>	Reviewing and making proposals about fees regulations	Deputy Commissioner
<a href="#">DPA Section 139(1)</a>	Producing an annual report to Parliament, laying it and publishing it.	Reserved for the Commissioner. See Annex 1.
<a href="#">DPA Section 139(3)</a>	Producing, laying and publishing other reports to Parliament.	Reserved for the Commissioner. See Annex 1.

Reference	Title	Level of delegation
<a href="#">DPA Section 142</a> and UK GDPR Article 58(1)(a)	Information notices	Level E
<a href="#">DPA Section 145</a>	Information orders	Level F
<a href="#">DPA Section 146</a> and UK GDPR 58(1)(b)	Assessment notices	Level E
<a href="#">DPA Section 149</a> and UK GDPR Article 58(2)(c)-(h)	Enforcement notices	Level E
<a href="#">DPA Section 152(1)</a>	Seeking the leave of the court to issue an enforcement notice concerning the special purposes	Level G
<a href="#">DPA Section 153</a>	Enforcement notices: cancellation and variation	Level E
<a href="#">DPA Section 155</a> (Articles 58(2) (i) & 83 GDPR)	Penalty notices	Level G
<a href="#">DPA Section 156(1)</a>	Seeking the leave of the court to issue a penalty notice concerning the special purposes	Level G
<a href="#">DPA Section 158(1), (4)-(6)</a>	Fixed penalties for non-compliance with charges regulations	Notices of Intent: Level D Monetary Penalty Notices: Level E
<a href="#">DPA Section 160(1)</a>	Producing and publishing guidance about the use of notices	Level G2
<a href="#">DPA Section 160(2)</a>	Producing and publishing guidance about the use of other functions	Level G2

Reference	Title	Level of delegation
<a href="#">DPA Section 160(8)-(11)</a>	Altering, consulting on and laying guidance about Regulatory action.	Level G2
<a href="#">DPA Section 161</a>	Approval of first guidance about regulatory action	Deputy Commissioner
<a href="#">DPA Section 165</a> and UK GDPR Article 57(1)(f), Article 77(2)	Complaints by data subjects	Level C
<a href="#">DPA Section 174(3)-(5)</a>	The special purposes	Level G2
<a href="#">DPA Section 175</a>	Provision of assistance in special purposes proceedings	Deputy Commissioner
<a href="#">DPA Section 177</a>	Guidance about seeking redress against media organisations	Deputy Commissioner
<a href="#">DPA Section 178</a>	Review of the processing of personal data for the purposes of journalism	Deputy Commissioner
<a href="#">DPA Section 182(2)</a>	Responding to the Secretary of State on consultation on draft regulations	Deputy Commissioner
<a href="#">DPA Section 189(5)</a>	Responding to Secretary of State on consultation on representation of data subjects	Deputy Commissioner
<a href="#">DPA Section 191(5)</a>	Responding to Secretary of State on consultation on framework for data processing by government	Deputy Commissioner
<a href="#">DPA Section 197</a>	Prosecution	Level F (Lawyers)
<a href="#">DPA Section 200</a>	Producing and publishing, altering, consulting on, laying, guidance on how regard will be had to PACE Codes of Practice	Level G
<a href="#">DPA Schedule 5, para 2</a>	Reviewing a decision as accreditation authority	Level G2

Reference	Title	Level of delegation
<a href="#">DPA Schedule 5, para 4</a>	Appointment of members of the appeal panel in relation to accreditation authorities	Deputy Commissioner
<a href="#">DPA Schedule 12, para 5(1)(a)</a>	Appointment of Deputy Commissioners	Reserved for the Commissioner.
<a href="#">DPA Schedule 12, para 5(1)(b)</a>	Appointment of staff	Level E
<a href="#">DPA Schedule 12, para 5(2)-(3)</a>	Determining terms and conditions of service, pensions of staff	Level G2
<a href="#">DPA Schedule 12, para 7</a>	Authentication of the seal of the Commissioner	Deputy Commissioner
<a href="#">DPA Schedule 12, para 10(1)</a>	Payment of fees and sums to Treasury	Level G2
<a href="#">DPA Schedule 12, para 11</a>	Preparation etc of accounts	Reserved for the Commissioner.
<a href="#">DPA Schedule 13, para 1(1)(a)</a>	Monitoring and enforcing Parts 3 and 4	Level D
<a href="#">DPA Schedule 13, para 1(1)(b)</a> and UK GDPR Article 57(1)(a), (d)	Promoting public awareness and understanding of data processing under Parts 3 and 4	Level E
<a href="#">DPA Schedule 13, para 1(1)(c)</a> and UK GDPR Article 57(1)(c)	Advising Parliament, government and other institutions and bodies on processing under Parts 3 and 4	Level B
<a href="#">DPA Schedule 13, para 1(1)(d)</a>	Promoting awareness of controllers of obligations under Parts 3 and 4	Level D

Reference	Title	Level of delegation
<a href="#">DPA Schedule 13, para 1(1)(e)</a> and UK GDPR Article 57(1)(e)	Providing information to data subjects about exercise of rights under Parts 3 and 4, and co-operate with foreign supervisory authorities to do so	Level D
<a href="#">DPA Schedule 13, para 1(1)(f)</a>	Co-operate with foreign supervisory authorities for consistency of application and enforcement of Data Protection Convention, sharing information, mutual assistance	Level D
<a href="#">DPA Schedule 13, para 1(1)(g)</a> and UK GDPR Article 57(1)(h)	Conduct investigations on application of Parts 3 and 4, including on basis of information received from foreign supervisory authorities or another public authority	Level D
<a href="#">DPA Schedule 13, para 2(a)</a>	Notifying controllers and/or processors of alleged infringement of Parts 3 and 4	Level D
<a href="#">DPA Schedule 13, para 2(b)</a>	To issue warnings	Level E
<a href="#">DPA Schedule 13, para 2(c)</a> and UK GDPR Article 58(2)(b)	To issue reprimands	Level C
<a href="#">DPA Schedule 13 para 2(d)</a> and Article 58(3)(b)	To issue opinions on the Commissioner's initiative or on request	Deputy Commissioner
<a href="#">DPA Schedule 14, para 6</a>	Co-operation between the Commissioner and foreign designated authorities	Level G
<a href="#">DPA Schedule 14, para 7</a>	Assisting persons resident outside the UK with requests under Article 14 of the Convention	Level G

Reference	Title	Level of delegation
<a href="#">DPA Schedule 14, para 8</a>	Assisting UK residents with requests under Article 8 of the Convention	Level G
<a href="#">DPA Schedule 15</a> and UK GDPR Article 58(1)(e)-(f)	Powers of entry and inspection	Level D
<a href="#">DPA Schedule 16, para 3</a>	Issuing a notice of intent for a penalty notice	Level G
<a href="#">DPA Schedule 16, para 7</a>	Varying a penalty notice	Level G
<a href="#">DPA Schedule 16, para 8</a>	Cancelling a penalty notice	Level G
<a href="#">DPA Schedule 16, para 9</a>	Enforcing a penalty notice	Level G
Schedule 21, para 9 and UK GDPR Article 47, Article 57(1)(s), Article 58(3)(j)	Considering and authorising binding corporate rules	Deputy Commissioner

## 2. Delegation of the Commissioner's regulatory functions provided for under Regulation (EU) 2016/679 of the European Parliament and of the European Council (the General Data Protection Regulation, GDPR), as amended by the Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 ("UK GDPR")

Note: powers from the UK GDPR which are also included in the Data Protection Act 2018 are included in the previous section of this scheme.

Reference	Title	Level of Delegation
Article 58(8)	Adopting standard contractual clauses for controller-processor and processor-sub-processor agreements	Deputy Commissioner
Article 30(4)	Requesting access to a record of processing activity	Level C
Article 35(4)	Establishing and publishing a list of processing operations subject to a DPIA requirement	Deputy Commissioner
Article 35(5)	Establishing and publishing a list of processing operations for which a DPIA is not required	Deputy Commissioner
Article 36(4) and (4A)	Responding to Secretary of State, National Assembly for Wales, Scottish Parliament, and/or Northern Ireland Assembly on prior consultation concerning legislative and regulatory measures	Deputy Commissioner
Article 40(5), Article 57(1)(m)	Encouraging development of and considering sectoral codes of conduct	Level D
Article 40(5), (6), Article 58(3)(d)	Registering and publishing sectoral codes of conduct, and issuing draft sectoral codes of conduct	Level G
Article 40(5), Article 57(1)(m)	Approving sectoral codes of conduct	Deputy Commissioner



Reference	Title	Level of Delegation
Article 41(1)-(2),(5) and Article 58(3)(e)	Accreditation of a body to monitor compliance with a sector code of conduct, revoking accreditations	Deputy Commissioner
Article 42(1)	Encouraging certification mechanisms	Level E
Article 42(5) and Article 58(3)(f)	Issuing certifications	Level G <sup>1</sup>
Article 42(7)	Revoking certifications	Level G <sup>2</sup>
Article 43(1)	Accrediting certification bodies (in line with Schedule 17 of the DPA 18)	Level G <sup>3</sup>
Article 43(4), (7)	Revoking accreditations	Level G <sup>4</sup>
Article 57(1)(b), (d)	Promoting public awareness and understanding and promoting awareness of obligations	Level E
Article 57(1)(e)	Providing information to subjects, and co-operating with supervisory authorities	Level C
Article 57(1)(h)	Conducting investigations	Level E
Article 57(1)(j) and Article 58(3)(g)	Adopting standard contractual clauses and issuing standard data protection clauses	Deputy Commissioner
Article 57(1)(k)	Establishing and maintaining a list of DPIA requirements	Deputy Commissioner
Article 57(1)(n)	Encouraging certification mechanisms, seals and marks	Level D

<sup>1</sup> While the ICO has power to issue certifications, we do not currently exercise that power. This will be done by certification bodies. However, should the ICO begin to use power, this is the level of delegation.

<sup>2</sup> See Footnote 1.

<sup>3</sup> While the ICO has power to revoke accreditation of certification bodies, we do not currently exercise that power. This will be done by the national accreditation body (UKAS). However, should the ICO begin to use power, this is the level of delegation.

<sup>4</sup> See Footnote 3

Reference	Title	Level of Delegation
Article 57(1)(n)	Approving criteria for certification mechanisms seals and marks	Deputy Commissioner
Article 57(1)(o)	Periodically reviewing certifications	Level G <sup>5</sup>
Article 57(1)(oa)	Maintain a public register of certification mechanisms, data protection seals and marks and controllers or publishers established in third countries	Level G
Article 57(1)(p)	Drafting and publishing requirements for accreditation of body monitoring codes of conduct and certification bodies	Level G
Article 57(1)(q)	Conducting accreditation	Deputy Commissioner <sup>6</sup>
Article 57(1)(r) and Article 58(3)(h)	Authorising contractual clauses	Deputy Commissioner
Article 57(1)(u)	Keeping internal records of infringements and action taken	Level C
Article 57(1)(v)	Any other tasks related to the protection of personal data	Chief Regulatory Officer
Article 57(2)	Providing a complaint submission form	Level C
Article 58(1)(c)	Reviewing issued certifications	Level G2 <sup>7</sup>
Article 58(1)(d)	Notifying controllers of alleged infringements	Level C
Article 58(2)(a)	Issuing warnings that intended processing is likely to infringe	Level G
Article 58(2)(i)	Imposing administrative fines	Level G

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<sup>5</sup> See Footnote 1

<sup>6</sup> While the ICO has power to conduct accreditation of certification bodies, we do not currently exercise that power. This will be done by the national accreditation body (UKAS). However, should the ICO begin to use power, this is the level of delegation.

<sup>7</sup> See Footnote 1

Reference	Title	Level of Delegation
Article 58(2)(j)	Suspending data flows to a third country	Deputy Commissioner

### 3. Delegation of the Commissioner's regulatory functions provided for under The Freedom of Information Act 2000

Reference	Title	Level of Delegation
FOIA, duties under <a href="#">sections 1, 16 and 17</a>	As a listed public authority to which FOIA applies, concerning responding to requests for information and providing advice and assistance	Level D
<a href="#">Section 19(5), (6), (7)</a>	Revocation of approval of a publication scheme	Level F
<a href="#">Section 20(1), (2), (4), (5), (6)</a>	Approval, rejection or approval of model publication schemes	Level G2
<a href="#">Section 45(4)</a>	Responding to consultation on code of practice	Level G2
<a href="#">Section 46(5)</a>	Responding to consultation on code of practice	Level G2
<a href="#">Section 47(2)</a>	Dissemination of expedient information about the operation of FOIA, good practice and other matters	Level C
<a href="#">Section 47(3)</a>	Assessing, with consent, whether a public authority is following good practice	Level C
<a href="#">Section 47(4)</a>	The determination of charges for relevant services under (5)	Deputy Commissioner
<a href="#">Section 47(4D)</a>	Responding to consultation on relevant chargeable services	Level G2
<a href="#">Section 47(5)(a)</a>	Consultation of the Keeper of Public Records	Level G2
<a href="#">Section 47(5)(b)</a>	Consultation of the Deputy Keeper of Records of Northern Ireland	Level G2

Reference	Title	Level of Delegation
<a href="#">Section 48(1)</a>	Issuing a good practice recommendation	Level F
<a href="#">Section 48(3)</a>	Consultation of the Keeper of Public Records before the issue of a recommendation in certain cases	Level G2
<a href="#">Section 48(4)</a>	Consultation of the Deputy Keeper of Records of Northern Ireland before the issue of a recommendation in certain cases	Level G2
<a href="#">Section 50</a>	Determination of applications for a decision	Level E
<a href="#">Section 51</a>	The issue (and cancellation) of information notices	Level E
<a href="#">Section 52</a>	The issue (and cancellation) of enforcement notices	Level E
<a href="#">Section 54(1)</a>	Certification to the court of a failure to comply with a notice	Level G
<a href="#">Section 76</a>	Consideration of disclosure of information to a listed ombudsman	Level E
<a href="#">Section 76A</a>	Consideration of disclosure of information to the Scottish Information Commissioner	Level E
<a href="#">Section 77</a>	Prosecution of the offence of altering records	Level F (Legal)
<a href="#">Schedule 3, para 1</a>	Seeking a warrant for entry and/or inspection, and complying with the procedural pre-conditions (para 2)	Level F
<a href="#">Schedule 3, para 4</a>	The execution of a warrant	Level D
<a href="#">Schedule 3, para 12</a>	Prosecution of the offence of obstruction of a warrant	Level F (Legal)

#### 4. Delegation of the Commissioner's regulatory functions provided for under The Privacy and Electronic Communications Regulations 2003

Reference	Title	Level of Delegation
<a href="#">Regulation 5(6)</a>	Security of public electronic communications services	Level E
<a href="#">Regulation 5A(7)</a>	Personal data breach	Level G
<a href="#">Regulation 5B</a>	Personal data breach: audit	Level E
<a href="#">Regulation 5C</a>	Personal data breach: enforcement	Level G
<a href="#">Reg 25</a>	Maintenance of the fax register	By Regulation 25(5), this has been outsourced to Telephone Preference Service Limited
<a href="#">Reg 26</a>	Maintenance of the telephone register	By Regulation 26(5), this has been outsourced to Telephone Preference Service Limited
<a href="#">Reg 29A(2)</a>	Requesting information from communications providers in national security and law enforcement cases	Level G
<a href="#">Regulation 31</a>	Enforcement – extension of <a href="#">part V of the DPA98</a> <sup>8</sup> , set out below:	
	<a href="#">Section 40</a> - Enforcement notices	Level E
	<a href="#">Section 41</a> - Cancellation of enforcement notices	Level E
	<a href="#">Section 41A</a> – Assessment notices	Level E
	<a href="#">Section 42</a> – Request for assessment	Level B
	<a href="#">Section 43</a> – Information notices	Level E
	<a href="#">Section 50</a> and <a href="#">Schedule 9</a> – Powers of entry and inspection	Level D

<sup>8</sup> The references immediately below refer to the relevant provisions in the DPA1998

Reference	Title	Level of Delegation
<a href="#">Regulation 31A</a>	Enforcement: Third party information notices	Level E
<a href="#">Reg 33</a>	requesting technical advice from Ofcom	Level D
<a href="#">Schedule 1, paras 1-2</a>	Consideration, service and cancellation of an enforcement notice	Level G
<a href="#">Schedule 1, para 4</a>	Consideration, service and cancellation of an information notice	Level E
<a href="#">Schedule 1, para 6</a>	Prosecution of non-compliance with notice offences	Level G
<a href="#">Schedule 1, paras 8A-8C</a>	Consideration and service of a monetary penalty notice	Level G
<a href="#">Schedule 1, paras 10-10A</a>	Seeking a warrant for entry and/or inspection and complying with the procedural pre-conditions	Level G
<a href="#">Reg 31</a> read with <a href="#">para 4 of Schedule 9 DPA98</a>	Executing a warrant	Level E
<a href="#">Reg 31</a> read with <a href="#">para 12 of Schedule 9 DPA98</a>	Prosecution of obstruction offences	Level F

## 5. Delegation of the Commissioner's regulatory functions provided for under The Freedom of Information (Time for Compliance with Requests) Regulations 2004

Reference	Title	Level of Delegation
<a href="#">Regulation 5</a>	Operations of armed forces of the Crown	Level C
<a href="#">Regulation 6</a>	Information held outside the United Kingdom	Level C

## 6. Delegation of the Commissioner's regulatory functions provided for under The Environmental Information Regulations 2004

Reference	Title	Level of Delegation
Duties under <a href="#">regs 5, 9 and 14</a>	As a public authority to which the EIR applies, concerning responding to requests for information and providing advice and assistance	Level D
<a href="#">Regulation 16(5)</a>	Issue of a code of practice and functions of the Commissioner [The general functions of the Commissioner under section 47 of the [FOIA] shall apply for the purposes of these Regulations...]	The delegated authority for this Regulation is the same as those given for Section 47 (and its sub-sections) of the FOIA as detailed in part 3 of this document
<a href="#">Regulation 18(1)</a>	Enforcement and appeal provisions [The enforcement and appeals provisions of the [FOIA] shall apply for the purposes of these Regulations as they apply for the purposes of the Act...]	The delegated authority for this Regulation is the same as those given for the enforcement and appeals provisions of the FOIA; i.e. Sections 50 to 54(1) as detailed in part 3 of this document
<a href="#">Regulation 19(4)</a>	Prosecution of offence of altering records	Level F

## 7. Delegation of the Commissioner's regulatory functions provided for under The Re-use of Public Sector Information Regulations 2015

Reference	Title	Level of Delegation
<a href="#">Regulation 18</a>	Enforcement and appeals provisions [...the relevant enforcement and appeals provisions of the [FOIA] apply for the purposes of these Regulations as they apply for the purposes of this Act...]	The delegated authority for this Regulation is the same as those given for the enforcement and appeals provisions of the FOIA; i.e. Sections 50 to 54(1) as detailed in part 3 of this document

Reference	Title	Level of Delegation
<a href="#">Regulation 19(2)</a>	Enforcement and appeals provisions: regulation 15(5) charging exemptions [...the relevant enforcement and appeals provisions of the [FOIA] apply for the purposes of these Regulations as they apply for the purposes of this Act...]	The delegated authority for this Regulation is the same as those given for the enforcement and appeals provisions of the FOIA; i.e. Sections 50 to 54(1) as detailed in part 3 of this document
<a href="#">Regulation 20</a>	Information sharing with Scottish Information Commissioner	Level D

## 8. Delegation of the Commissioner's regulatory functions provided for under The INSPIRE Regulations 2009

Reference	Title	Level of Delegation
<a href="#">Regulation 11</a>	Enforcement and appeals in relation to public access [The enforcement and appeals provisions in the [FOIA] apply for the purposes of regulations 7(4)(c) and 9 as they apply for the Act]	The delegated authority for this Regulation is the same as those given for the enforcement and appeals provisions of the FOIA; i.e. Sections 50 to 54(1) as detailed in part 3 of this document

## 9. Delegation of the Commissioner's regulatory functions provided for under The Electronic Identification and Trust Services for Electronic Transactions Regulations 2016

Reference	Title	Level of Delegation
<a href="#">Paragraph 1 of Schedule 1</a>	Monetary penalties	The delegated authority for this paragraph is the same as that given for Section 155 of the DPA as detailed in part 1 of this document
<a href="#">Paragraph 1 of Schedule 2</a>	Enforcement powers [For the purpose of these Regulations and the eIDAS Regulations, the following Sections of the [DPA] apply...]	The delegated authority for this paragraph is the same as those given for Sections 140-160 and Section 197 of the DPA as detailed in part 1 of this document.



Reference	Title	Level of Delegation
<a href="#">Regulation 3(2)</a>	Enforcement of Chapter III of Regulation (EU) No 910/2014	The delegated authority for this paragraph is the same as those given for Sections 140-160 and Section 197 of the DPA as detailed in part 1 of this document.

10. Delegation of the Commissioner's regulatory functions provided for under Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market, as amended by [The Electronic Identification and Trust Services for Electronic Transactions \(Amendment etc.\) \(EU Exit\) Regulations 2019](#)

Reference	Title	Level of Delegation
Article 17(4)(b)	To analyse conformity assessment reports referred to in Articles 20(1) and 21(1)	Level G
Article 17(4)(c)	to inform the public about breaches of security or loss of integrity in accordance with Article 19(2);	Level G
Article 17(4)(e)	To carry out audits or request a conformity assessment body to perform a conformity assessment of the qualified trust service providers in accordance with Article 20(2);	Level G
Article 17(4)(g)	to grant qualified status to trust service providers and to the services they provide and to withdraw this status in accordance with Articles 20 and 21;	Deputy Commissioner

Reference	Title	Level of Delegation
Article 17(4)(h)	to inform the body responsible for the trusted list referred to in Article 22(3) about its decisions to grant or to withdraw qualified status, unless that body is also the supervisory body	Level G
Article 17(4)(i)	to verify the existence and correct application of provisions on termination plans in cases where the qualified trust service provider ceases its activities, including how information is kept accessible in accordance with point (h) of Article 24(2);	Level G
Article 17(4)(j)	to require that trust service providers remedy any failure to fulfil the requirements laid down in this Regulation.	Level E

## 11. Delegation of the Commissioner's regulatory functions provided for under The Network and Information Systems Regulations 2018

Reference	Title	Level of Delegation
<a href="#">Regulation 3(4)(a)-(c) and 3(5)(b)</a>	Designation of national competent authorities	Deputy Commissioner
<a href="#">Regulation 6(1)</a>	Information sharing with relevant listed bodies	Level D
<a href="#">Regulation 12(8), (10), (12), (13), (14) and (15)</a>	Relevant digital service providers	Level G2
<a href="#">Regulation 13</a>	Co-operation and action across member state boundaries	Level G2
<a href="#">Reg 14(1)</a>	Maintaining a register of all notified RDSPs	Level F
<a href="#">Regulation 15(3) and (7)</a>	Information Notices	Level E

Reference	Title	Level of Delegation
<a href="#">Regulation 16(2) and (4)</a>	Power of inspection	Level D
<a href="#">Regulation 17</a>	Enforcement for breach of duties	Level E
<a href="#">Regulation 18</a>	Penalties [serving of a penalty notice]	Level G
<a href="#">Regulation 19(2)</a>	Appoint an independent reviewer of penalty decisions made in relation to an RDSP	Level G2
<a href="#">Regulation 21</a>	Fees	Deputy Commissioner

## 12. Delegation of the Commissioner's regulatory functions provided for under The Consumer Credit Act 1974

Reference	Title	Level of Delegation
<a href="#">Section 159</a>	Correction of wrong information	Level E

## 13. Delegation of the Commissioner's regulatory functions provided for under The Investigatory Powers Act 2016

Reference	Title	Level of Delegation
<a href="#">Section 70</a> and <a href="#">Schedule 4</a>	Relevant public authorities and designated senior officers etc	Level G
<a href="#">Section 244</a>	Oversight by the Information Commissioner in relation to Part 4 (Retention of Communications data)	Level F

## 14. Delegation of the Commissioner's regulatory functions provided for under Computer Misuse Act 1990

Reference	Title	Level of Delegation
Sections <a href="#">1</a> , <a href="#">2</a> , <a href="#">3</a> , <a href="#">3ZA</a> , <a href="#">3A</a>	Prosecution of offences	Level F

## 15. Delegation of the Commissioner's regulatory functions provided for under Regulation of Investigatory Powers Act 2000

Reference	Title	Level of Delegation
<a href="#">Section 28</a> , read with <a href="#">para 27A of Part 1 of Schedule 1</a>	Authorisation to carry out directed surveillance	Level G

## 16. Delegation of the Commissioner's regulatory functions provided for under Digital Economy Act 2017

Reference	Title	Level of Delegation
<a href="#">Section 43(5)</a>	Responding to the Secretary of State on consultation on a code of practice	Deputy Commissioner
<a href="#">Section 44(4)</a>	Responding to the appropriate national authority on consultation on regulations	Deputy Commissioner
<a href="#">Section 48(11)</a>	Responding to the appropriate national authority on consultation on regulations	Deputy Commissioner
<a href="#">Section 52(5)</a>	Responding to a Minister on consultation on a code of practice	Deputy Commissioner
<a href="#">Section 53(3)</a>	Responding to a Minister on review of legislation	Deputy Commissioner
<a href="#">Section 56(12)</a>	Responding to a national authority on consultation on regulations	Deputy Commissioner
<a href="#">Section 60(5)</a>	Responding to a Minister on consultation on a code of practice	Deputy Commissioner
<a href="#">Section 61(3)</a>	Responding to a Minister on review of legislation	Deputy Commissioner
<a href="#">Section 70(7)</a>	Responding to the Statistics Board on a consultation on a code of practice	Level G

Reference	Title	Level of Delegation
<a href="#">Section 71(6)</a>	Responding to the Statistics Board on a consultation on conditions	Level G

17. Delegation of the Commissioner's regulatory functions provided for under Small Business, Enterprise and Employment Act 2015 (read with regulation 2 and Schedule 1 to the Business Impact Target (Relevant Regulators) Regulations 2017)

Reference	Title	Level of Delegation
<a href="#">Section 24A</a>	Publication of a variety of required documents concerning duty on relevant regulators to assess economic impact	Level G2
<a href="#">Section 26</a>	Amendments to published documents in light of amendments to targets and determinations made by Secretary of State	Level G2

18. Delegation of the Commissioner's regulatory functions provided for under Consumer Rights Act 2015

Reference	Title	Level of Delegation
<a href="#">Schedule 3, para 2</a>	Consideration of complaints about terms in consumer contracts, liaising with the CMA	Level C
<a href="#">Schedule 3, para 3</a>	Applying for an injunction against a person using such a term	Level G
<a href="#">Schedule 3, para 6</a>	Accepting undertakings in lieu	Level G
<a href="#">Schedule 5, para 21</a>	Power to purchase products [all Schedule 5 functions to be carried out for purposes of ICO's designation under section 213 of the Enterprise Act 2002 as an enforcer]	Level G

Reference	Title	Level of Delegation
<a href="#">Schedule 5, para 22</a>	Power to observe the carrying on of business	Level G
<a href="#">Schedule 5, para 23</a>	Power to enter non-dwelling premises without a warrant	Level G
<a href="#">Schedule 5, para 25</a>	Power to inspect a product on premises	Level E
<a href="#">Schedule 5, para 31</a>	Power to break open container	Level E
<a href="#">Schedule 5, para 32</a>	Power to enter premises with a warrant	Level E
<a href="#">Schedule 5, para 34</a>	Power to require assistance from persons on premises	Level E

## 19. Delegation of the Commissioner's regulatory functions provided for under Registration Service Act 1953

Ref	Title	Level of Delegation
<a href="#">Section 19AC(5)</a>	Responding to the Registrar General on consultation on code of practice	Level G

## 20. Delegation of the Commissioner's regulatory functions provided for under Statistics and Registration Service Act 2007

Reference	Title	Level of Delegation
<a href="#">Section 45E(8)</a>	Responding to the Statistics Board on consultation on statement	Level G

## 21. Delegation of the Commissioner's regulatory functions provided for under Serious Crime Act 2007

Reference	Title	Level of Delegation
<a href="#">Section 71(2)</a>	Responding to the Secretary of State on consultation on code of practice	Deputy Commissioner

## 22. Delegation of the Commissioner's regulatory functions provided for under Public Audit (Wales) Act 2004

Reference	Title	Level of Delegation
<a href="#">Section 64G(3)</a>	Responding to the Auditor General for Wales on consultation on code of data matching practice	Deputy Commissioner

## 23. Delegation of the Commissioner's regulatory functions provided for under Audit and Accountability (Northern Ireland) Order 2003

Reference	Title	Level of Delegation
<a href="#">Article 4G(3)</a>	Responding to the Comptroller and Auditor General on consultation on code of data matching practice	Deputy Commissioner

## 24. Delegation of the Commissioner's regulatory functions provided for under Representation of the People Act 1983

Reference	Title	Level of Delegation
<a href="#">Section 53(5)</a>	Responding to the Secretary of State on consultation on regulations	Deputy Commissioner

## 25. Delegation of the Commissioner's regulatory functions provided for under Protection of Freedoms Act 2012

Reference	Title	Level of Delegation
<a href="#">Section 29(5)</a>	Responding to the Secretary of State on consultation on surveillance camera code of practice	Deputy Commissioner
<a href="#">Section 33(8)</a>	Responding to the Secretary of State on consultation on order	Deputy Commissioner

## 26. Delegation of the Commissioner's regulatory functions provided for under Local Audit and Accountability Act 2014

Reference	Title	Level of Delegation
<a href="#">Schedule 9, para 7(3)</a>	Responding to a Minister on consultation on code of practice	Deputy Commissioner

## 27. Delegation of the Commissioner's regulatory functions provided for under Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017

Reference	Title	Level of Delegation
<a href="#">Regulation 4</a> , read with <a href="#">Schedule 2</a>	Duty to publish annual information demonstrating compliance with section 149 of the Equality Act 2010	Level G2

## 28. Delegation of the Commissioner's regulatory functions provided for under information/data related offences which the ICO has competence to prosecute in accordance with the principles in R v Rollins [2010] UKSC 39

Reference	Title	Level of Delegation
<a href="#">R v Rollins [2010] UKSC 39</a>	Any information/data related offences which the ICO has competence to prosecute in accordance with the principles in R v Rollins [2010] UKSC 39	Level F

## 29. Delegation of the Commissioner's duties and obligations relating to financial and procurement matters

### Overview of financial management at the ICO

The Information Commissioner is a Corporation Sole as established under the DPA2018. The Department for Digital, Culture, Media and Sport (DCMS) is the sponsoring department for the ICO and the relationship with the department is governed by the Management Agreement.

The Accounting Officer of the DCMS has designated the Information Commissioner as Accounting Officer for her office, the ICO. The responsibilities of an Accounting Officer, including responsibility for the propriety and regularity of the public finances and for the keeping of



proper records and for safeguarding the Information Commissioner's assets, are set out in the Non-Departmental Public Bodies' Accounting Officer Memorandum issued by the Treasury and published in Managing Public Money.

As Accounting Officer, the Information Commissioner has delegated executive responsibility to the Chief Operating Officer for effective financial stewardship as Accountable Officer. This is a contractual responsibility and allows the Information Commissioner to have a separate, and not term-limited, accountable person charged with stewardship and probity for our use of public money.

The Information Commissioner's financial settlement is as set out in its Spending Review Settlement letter and any further allocation letters.

The Information Commissioner and her office are funded through a combination of charges levied on relevant public stakeholders and grant in aid funding paid out of money provided by Parliament; specifically:

- Expenditure on data protection activities is financed through the retention of data protection charges collected from data controllers in accordance with the Data Protection (Charges and Information) Regulations 2018.
- DCMS pays to the Information Commissioner appropriate sums (the grant in aid) for ICO administrative costs and the exercise of the Information Commissioner's functions in relation to a number of specific functions including the office's freedom of information work.
- Additional grant in aid is paid by other departments in accordance with the requirements of relevant legislation.

The Management Agreement with the DCMS states that the ICO is subject to the latest Cabinet Office spending controls and the DCMS thresholds for spending controls as set out in the latest DCMS Spending Control Guidance.

The only exception to this is that, for all advertising and marketing expenditure under £100,000 the Information Commissioner is only required to request approval directly from the DCMS Sponsorship Team as opposed to completing the formal approval process.

The Management Agreement also states that the ICO must comply with the Public Contracts Regulations 2015 in its procurement activity. In addition the ICO is subject to certain thresholds when tendering for a procurement opportunity as detailed in Procurement Policy Notes and <https://www.ojec.com/thresholds.aspx>

## External links

### **Cabinet Office Spending Controls:**

<https://www.gov.uk/government/collections/cabinet-office-controls>

### **Management Agreement:**

<https://ico.org.uk/media/about-the-ico/documents/2259800/management-agreement-2018-2021.pdf>

### **Managing Public Money:**

<https://www.gov.uk/government/publications/managing-public-money>

## Delegations

The ICO Procurement and Contract Management Policy (available [here](#)) details how the office is to procure services and manage contracts. It includes the following delegations authorising staff at specific grades and job roles to be contract signatories. These delegations are formally authorised by this scheme.

## Authorised Contract Signatories

Designated Officer	Maximum contract value and type
Commissioner or DCEO/COO plus Head of Finance (level G) or Director of Finance (level G2)	<ul style="list-style-type: none"><li>• Unlimited</li><li>• All contracts<sup>9</sup></li><li>• MoUs</li><li>• Government spending control authorisations specified for the Commissioner</li></ul>
Level H plus Head of Finance (level G) or Director of Finance (level G2)	<ul style="list-style-type: none"><li>• Unlimited</li><li>• All contracts<sup>9</sup></li><li>• MoUs</li></ul>
Director (level G2) plus Head of Finance (level G)	<ul style="list-style-type: none"><li>• Up to £1,000,000 for IT contracts</li><li>• Up to £500,000 for all other contracts<sup>9</sup></li><li>• MoUs</li></ul>

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<sup>9</sup> except those requiring the Commissioner's Seal which only the Commissioner or an officer with specific delegated authority under paragraph 7 of schedule 12 to the Data Protection Act 2018 can sign

<b>Designated Officer</b>	<b>Maximum contract value and type</b>
Director (level G2)	<ul style="list-style-type: none"> <li>Up to £100,000 for all contracts<sup>1</sup></li> <li>MoUs</li> </ul>
Head of Department (level G)	<ul style="list-style-type: none"> <li>Up to £25,000</li> </ul>

### Purchase orders and invoices

<b>Staff Level</b>	<b>Maximum authority to sign off purchase orders &amp; invoices</b>	<b>Sign off bank payments up to any amount</b>
Level H	Unlimited	Yes
Director of Finance or Head of Finance	Unlimited	Yes
Level G2	£1,000,000	Yes
Level G	£1,000,000	Yes
Level F	£50,000	Not applicable
Level E	£10,000	Not applicable
Level D	£5,000	Not applicable

### Corporate charge cards

<b>Corporate charge cards standard limits on card application</b>	
<b>Staff Level</b>	<b>Maximum authorised spend (per month)</b>
Level H	£50,000
Director of Finance or Head of Finance	£50,000
Level G2	£50,000
Level G	£50,000
Level F	£10,000
Level E	£5,000
Level D and C	£2,500 <sup>10</sup>

### Expenses and corporate charge card sign off for senior managers

Executive Team members (Level H) and the Commissioner should have all direct expenses and corporate charge card expenditure signed off by the

<sup>10</sup> or where duties require a higher limit, and with the agreement of the Director of Finance, £10,000.

Director of Finance (deputised by the Head of Finance in exceptional circumstances).

Directors (Level G2) should have all expenses signed off by their line manager (deputised by the Director of Finance in the first instance and the Head of Finance in exceptional circumstances).

## Annex 1 – Deputising for the Information Commissioner

In the event that the Commissioner is unable to act, or there is a vacancy in the office of the Commissioner, the delegations set out in this scheme still apply.

For the purposes of Schedule 12, paragraph 6(1)(a) and (b) of the Data Protection Act 2018, the following powers are those which are reserved for the Commissioner. In the event that the Commissioner is for any reason unable to act or there is a vacancy in the office of Commissioner, these powers will be exercised by the relevant Deputy Commissioner identified below. These Deputy Commissioners cannot take action on powers set out here unless the Commissioner is unable to act or there is a vacancy in the office of Commissioner.

Ref	Title	Delegation
<u>Data Protection Act 2018</u>		
<u>Section 139(1)</u> and UK GDPR Article 59	Producing an annual report to Parliament, laying it and publishing it.	Deputy Chief Executive Officer (Chief Operating Officer)
<u>Section 139(3)</u>	Producing, laying and publishing other reports to Parliament.	Chief Regulatory Officer
<u>Schedule 12,</u> <u>para 11</u>	Preparation etc of accounts	Deputy Chief Executive Officer (Chief Operating Officer)

In addition, the ICO's internal practices state that the Commissioner shall be responsible for convening meetings of the Regulatory Panel and agreeing the membership of each Panel meeting. In the event of the circumstances of Schedule 12, paragraph 6(1)(b) applying, the Chief Regulatory Officer will exercise this responsibility.

Any other powers or legislation not specified herein which apply to the Information Commissioner or the Information Commissioner's Office

Note: in the event of a decision being required which covers both of the matters below, the decision will be taken by the Deputy Chief Executive Officer (Chief Operating Officer)

Description	Delegation
Any other duties which are consistent with the Information Commissioner's role as a Chief Executive of a UK public sector organisation. This includes any duties in relation financial	Deputy Chief Executive Officer (Chief Operating Officer)

Description	Delegation
reporting, performance reporting, or similar and any other powers or duties which are common to a broad plurality of other UK public sector organisations.	
Any other duties which are consistent with the Information Commissioner's regulatory role. This includes any duties which are consistent with the Information Commissioner's role as the regulator for the Data Protection Act, Freedom of Information Act, Privacy and Electronic Communications Regulations, Environmental Information Regulations, any other acts listed within this Scheme of Delegation, and any similar acts not included within the Scheme of Delegation.	Chief Regulatory Officer

*Note: in addition to the delegations above, as set out earlier in this scheme, the Commissioner has delegated the power under Article 57(1)(v) of the UK GDPR ("Any other tasks related to the protection of personal data") to the Chief Regulatory Officer. This is a power that the Chief Regulatory Officer can exercise even if the Commissioner is in office and able to act, but a reference is included to it in this annex to give a reminder and clarity that this delegation exists.*

In the event that, at the same time as the Commissioner being unable to act or there being a vacancy in the office of Commissioner, the Chief Regulatory Officer is also unable to act, the Deputy Chief Executive Officer (Chief Operating Officer) will exercise the powers described in this annex (and vice versa). In the event that both the Deputy Chief Executive (Chief Operating Officer) and the Chief Regulatory Officer are unable to act, the Deputy Commissioner (Regulatory Strategy) will exercise the powers described in this annex. In the event that all three are unable to act, the Deputy Commissioner (Regulatory Futures and Innovation) will exercise the powers described in this annex.

In the event that the Commissioner is unable to act or there being a vacancy in the office of the Commissioner, the Chief Operating Officer shall exercise the power of the Commissioner under paragraph 5(1)(a) of Schedule 12 to appoint Deputy Commissioners.

In the event that the Commissioner is unable to act or there being a vacancy in the office of the Commissioner, the Chief Operating Officer shall exercise the power of the Commissioner under paragraph 6(3) of Schedule 12 to authorise any function of the Commissioner to be carried

out by any of her officers or staff by way of amending this Scheme of Delegation.

As set out in the Management Board terms of reference, in the event that the Information Commissioner is unable to attend a Management Board meeting, the Senior Independent Director will chair the meeting.